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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/071,164

02/07/2002

Jeff Scott Eder

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05/22/2007

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SUITE 7362  
BOTHELL, WA 98021

EXAMINER

DESHPANDE, KALYAN K

ART UNIT

PAPER NUMBER

3623

MAIL DATE

DELIVERY MODE

05/22/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/071,164

Applicant(s)

EDER, JEFF SCOTT

Examiner

Kalyan K. Deshpande

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 39-77 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 39-77 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 2/18/05, 5/10/05, 9/4/05
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Introduction***

1. The following is a non-final office action in response to the communications received on February 7, 2002. Claims 39-77 are now pending in this application.

### ***Information Disclosure Statement***

2. The examiner has reviewed the patents and articles supplied in the Information Disclosure Statements (IDS) provided on February 18, 2005, May 10, 2005, and September 4, 2005. The IDS submitted on October 20, 2005 has not been reviewed, as the IDS was not properly received by the office. Applicants are requested to resubmit the IDS form submitted on October 20, 2005 for review and consideration.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 39-49, 51, 59-61, 65, and 73-75 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claims 39, 51, and 65 recite limitations of attribute information. The Specification of the present invention fails to described how these attributes are incorporated within the business context. The Specification merely sets forth that these are available attributes, but fails to specify how the attributes functionally affect the business layer. This missing information would cause undue experimentation to one of ordinary skill in the art to use the invention, thus one of ordinary skill in the art would not be enabled to use the invention. Claims 40-49, 59-61, and 73-75 recite the same subject matter and are therefore rejected for the same reasons.

Claims 47-49, 59-61, and 73-75 recite an element of value, an external factor, and risks that are also incorporated into the business context. The specification of the present invention again fails to teach how these values are functionally incorporated in to the business context, as is described above for the limitation of attributes. These claims are rejected for causing undue experimentation and therefore not enabling one of ordinary skill in the art to use the invention.

5. Claims 39-49, 51, 59-61, 65, and 73-75 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

With respect to claims 39-49, 51, 59-61, 65, and 73-75, Applicants have failed to provide a written description of the invention that clearly conveys the information that

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the Applicants have invented the subject matter which is claimed. Furthermore, the Specification fails to describe the claimed invention in sufficient detail that one skilled in the art can reasonably conclude that the Applicants had possession of the claimed invention. The Specification of the present invention is silent as to the claimed features of attributes, elements of value, external factors, and risks and their incorporation into the business context claimed by the Applicants. Therefore, the present invention is deemed to have failed to satisfy the written description requirement of 35 U.S.C. 112, first paragraph.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 39-77 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 39-77 recite the term "business context" without further defining what is meant by this term. It is unclear from the claims and specification what is meant by this term. For the purposes of examination, Examiner interprets this term to mean the context applicable for each specific users, i.e. nurses will have a business context that is applicable to nursing.

Claims 50 and 64 further recite the functionality of "obtaining data from the market value matrix package". It is unclear from this limitation and the specification of what data is actually obtained from the market value matrix package. The specification

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defines a "market value matrix package" as a frame that is available to specific users (see paragraph 28 of the publication of the present invention). It is unclear how this frame view presented to users stores any data that is retrievable. For the purposes of examination, Examiner is interpreting this limitation to mean frame specifications are obtained from the "market value matrix package". Claims 51-63 and 65-77 recite the same subject matter as claims 50 and 64 and are rejected for the same reasons discussed above.

Claims 62 and 76 further recite a plurality of enterprise management systems. Claims 62 and 76 further recite "user input, external databases, the Internet and combinations thereof". It is unclear whether Applicants are claiming "user input, external databases" and "the Internet" are enterprise management systems or whether they are claiming their invention is novel because it accepts user input, uses external database, and can be used in conjunction with the Internet. For the purposes of examination, Examiner is interpreting that these limitations are described to further limit that the enterprise management systems be capable of accepting user input, using external databases, and be used in conjunction with the Internet.

### ***Claim Rejections - 35 USC § 101***

8. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

9. Claims 39-49 are rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. 35 U.S.C. 101 requires that all inventions be directed to any new and

useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof. Claims 39-49 are directed towards a business context layer, which is neither a process, machine, manufacture, nor a composition of matter. Because a business context layer is not directed towards any of the statutory classes defined by 35 U.S.C. 101, claims 39-49 are deemed to be directed towards non-statutory subject matter and are rejected as such.

***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 50, 52-54, 56-57, 63, 64, 66-68, 70-71, and 77 are rejected under 35 U.S.C. 102(e) as being anticipated by Lewis et al (U.S. Patent No. 6457049).

As per claim 50, Lewis teaches “a business context apparatus, comprising: a market value matrix package” (see column 7 lines 20-33; where users receive data according to a specific format and structure. A market value matrix package is a frame that is specific to the user as defined in paragraph 28 of the publication of the present invention. Thus, the teaching of specific formats and structures for users is the same as providing users with a market value matrix package.), “a plurality of enterprise

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management systems" (see column 6 lines 55-67 and column 7 lines 1-19; where the system has the ability to facilitate communication between several enterprise software systems.), "means for obtaining data from the market value matrix package and enterprise management systems" (see column 6 lines 55-67 and column 7 lines 1-33; where frame information is received specific to users. Information from enterprise systems is also retrieved.), "means for securely providing a portion of the data as required to define a business context via one or more operating system layers or a webservices environment" (see column 6 lines 55-67, column 7 lines 1-19, and column 16 lines 20-42; where only authorized users are provided with specific portions of data that are applicable to that user.).

As per claim 52, Lewis teaches "one or more operating system layers are selected from the group consisting of one or more network operating system layers, one or more portal layers, one or more middleware layers or one or more hardware operating system layers" (see column 4 lines 16-30, column 4 lines 55-67, column 5 lines 1-35, column 6 lines 55-67, and column 7 lines 1-19; where a plurality of operating system layers, network operating systems, portals, and middleware layers are defined and disclosed.).

As per claim 53, Lewis teaches "a business context layer contains information defining a market value matrix package for an enterprise or multi-enterprise system organization" (see column 6 lines 55-67 and column 7 lines 1-19; where the business context layer, as defined above, contains information regarding a market value matrix package, as defined above, for the enterprise system.).



As per claim 54, Lewis teaches "a business context layer contains information defining a subset of a market value matrix package for an enterprise or multi-enterprise organization" (see column 6 lines 55-67 and column 7 lines 1-19; where a subset for the frames is defined. For example, the nursing system has a context separate from the pharmacy context.).

As per claim 56, Lewis teaches disclosed apparatus "operates continuously" (see column 19 lines 47-67; where the system is continuously operating.).

As per claim 57, Lewis teaches "a business context layer contains information for one or more frames" (see column 6 lines 55-67 and column 7 lines 1-19; where multiple frames are disclosed for each specific users. Nurses receive a frame and pharmacy receives a different frame.).

As per claim 63, Lewis teaches "an enterprise is a single product, a group of products, a division, an entire company, a multi company corporation, a value chain or a collaboration" (see column 6 lines 55-67 and column 7 lines 1-19; where the provided example is a corporation (hospital) composed of divisions (nursing, pharmacy, etc.)).

Claims 64, 66-68, 70-71, and 77 recite a program storage device taught by Lewis (see figure 16). Claims 64, 66-68, 70-71, and 77 further recite limitations already addressed by the rejections of claims 50, 52-54, 56-57, and 63; therefore the same rejections apply to these claims.

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 39-49, 51, 55, 58-62, 65, 69, and 73-76 rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis et al. (U.S. Patent No. 6457049).

As per claims 51 and 59-61, Lewis fails to explicitly teach "attributes selected from the group consisting of a supply chain status, a customer order status, a development status, an element of value contribution by segment of value, an external factor impact by element and segment of value, a risk impact by element and segment of value and combinations thereof", where an "element is selected from the group consisting of alliances, brands, channels, content, customers, customer relationships, employee, employee relationships, information technology, intellectual property, knowledge, partnerships, processes, production equipment, products, technology, vendors, vendor relationships, and combinations thereof", "an external factor is selected from the group consisting of numerical indicators of conditions external to the organization, numerical indications of prices external to the organization, numerical indications of organization conditions compared to external expectations of organization condition, numerical indications of the organization performance compared to external expectations of organization performance and combinations thereof", and "a risk is selected from the group consisting of event risk, factor variability risk, element variability risk, market variability risk, strategic risk, contingent liabilities and combinations thereof".

Examiner takes official notice that the recited attributes, elements, external factors, and risks are old and well-known in the art. The advantage of incorporating these values into a business context is that it further enables the ability to streamline processes and lower operational costs. It would have been obvious, at the time of the invention, to one of ordinary skill in the art to modify Lewis to incorporate “attributes selected from the group consisting of a supply chain status, a customer order status, a development status, an element of value contribution by segment of value, an external factor impact by element and segment of value, a risk impact by element and segment of value and combinations thereof”, where an “element is selected from the group consisting of alliances, brands, channels, content, customers, customer relationships, employee, employee relationships, information technology, intellectual property, knowledge, partnerships, processes, production equipment, products, technology, vendors, vendor relationships, and combinations thereof”, “an external factor is selected from the group consisting of numerical indicators of conditions external to the organization, numerical indications of prices external to the organization, numerical indications of organization conditions compared to external expectations of organization condition, numerical indications of the organization performance compared to external expectations of organization performance and combinations thereof”, and “a risk is selected from the group consisting of event risk, factor variability risk, element variability risk, market variability risk, strategic risk, contingent liabilities and combinations thereof” in to the business context in order to enable the streamlining of business processes and lowering operational costs, which is a goal of Lewis (see column 1 lines 28-40).

As per claim 55, Lewis teaches enabling "access by authorized users by using a security protocol" (see column 16 lines 20-42; where only authorized users are granted permission to view authorized data.). Lewis fails to explicitly teach using the security protocols of "IPSEC and Kerberos". Examiner takes official notice that the use of security protocols of "IPSEC and Kerberos" are old and well-known in the art. The advantage of using these protocols is that it furthers the security of sensitive data. It would have been obvious, at the time of the invention, to one of ordinary skill in the art to modify Lewis to include a feature to use the security protocols of "IPSEC and Kerberos" in order to ensure the secure handling of sensitive data.

As per claim 58, Lewis teaches one or more frames are for all client users, including internal user (see column 6 lines 55-67 and column 7 lines 1-19; where client machines, such as nursing and pharmacy, will receive different frames.). Lewis fails to explicitly teach the users to include partners and vendors. Examiner takes official notice that it is old and well-known in the art to account for partners and vendors as users to an enterprise management system. The advantage of such a feature is that it enables a user to accurately manage the supply chain of the organization. It would have been obvious, at the time of the invention, to one of ordinary skill in the art to include frames for partners and vendors in order to enable a user to accurately manage the supply chain of the organization, which is a goal of Lewis (see column 2 lines 30-51).

As per claim 62, Lewis teaches the connectivity between enterprise wide software management systems (see column 3 lines 5-21) however, fails to explicitly teach all of the enterprise systems recited in claim 62. Examiner takes official notice

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that all of the recited enterprise management systems and configuring middleware to connect such recited enterprise management systems is old and well-known in the art. The advantage of such a feature is that the integration streamlines business processes and lowers overall operational costs. It would have been obvious, at the time of the invention, to one of ordinary skill in the art to modify Lewis to explicitly state all enterprise wide software management systems in order to streamline business processes and lower operational costs, which is a goal of Lewis (see column 1 lines 28-40).

Claims 39-49 recite a "business context layer" taught by Lewis (see column 6 lines 55-67 and column 7 lines 1-33; where a context layer is distinguished for each specific user.). Claims 39-49 further recite limitations already addressed by the rejections of claims 50-63; therefore the same rejections apply to these claims.

Claims 65, 69, and 73-76 recite a program storage device taught by Lewis (see figure 16). Claims 65, 69, and 73-76 further recite limitations already addressed by the rejections of claims 51, 55, and 58-62; therefore the same rejections apply to these claims.

### ***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following are pertinent to the current invention, though not relied upon:

Upton et al. (U.S. Patent No. 6742054) teaches a computer-implemented process for transforming an input message to an output message including reading transformation configuration information, reading an input message, creating output message data corresponding to each output schema node, calculating a number of reasons to continue for each schema node, performing the steps until the number of reasons to continue becomes zero, and writing the output message.

Li et al. (U.S. Patent No. 6763353) teaches a method for monitoring a business process model in which at least one business process object transitions between states.

Barcho et al. (U.S. Patent No. 7143093) teaches a scalable enterprise computer system having the capability to provide transaction security as well as providing subscription filtering is described.

Chen et al. (U.S. Patent Publication No. 20020184070) teaches a collaborative business process for modeling inter-enterprise collaboration (e.g., peer-to-peer (P2P) or business-to-business (B2B) interaction) that involves at least two players from two different enterprises is defined. The collaborative business process has a plurality of work nodes.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kalyan K. Deshpande whose telephone number is (571) 272-5880. The examiner can normally be reached on M-F 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
kkq

  
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